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**Prevention of armed conflict**

**The rule of law at the national and international levels**

## Letter dated 23 February 2017 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

I have the honour to write to you in reference to document A/71/755, which contains the report of the Secretary-General on the Implementation of the resolution establishing the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, pursuant to General Assembly resolution 71/248, adopted on 21 December 2016.

In this regard, and as already stated during the adoption of the aforementioned resolution, Venezuela wishes to reiterate the following:

Negotiations on the resolution establishing the above Mechanism were conducted without sufficient transparency and without considering the views of all States Members of the United Nations; moreover, the time allowed was unusually short, leaving little room for analysis by the other delegations. Mindful of the significance and urgency of the issue, we believe that this process was not transparent, which detracts from the credibility and legitimacy that is expected of a genuinely impartial and independent process. This sets an undesirable precedent for confidence-building and friendship among States within the United Nations system.

As indicated in the report and under international law, the primary burden for conducting an investigation promptly, thoroughly, independently and impartially rests with the Syrian Arab Republic, as the main country concerned that has the jurisdiction to investigate these matters. The Syrian authorities have expressed their disagreement with the politicized nature of the resolution in various forums, including the fact that they were not consulted during the negotiation process. For this reason, the Mechanism will not be able to assist in the investigations conducted by the country concerned. This situation violates the principle of respect for the sovereignty and equality of States and compounds the continued interference in the



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internal affairs of the Syrian Arab Republic, according to article 2, paragraphs 1 and 7, of the Charter of the United Nations.

The financing of the Mechanism is also a source of concern. As such financing is to be based on voluntary contributions, the Mechanism's impartiality can be called into question on the grounds that it will respond to the interests and perspectives of those who support it financially and will serve a selective agenda that does not focus on all responsible parties but only on those that are politically inconvenient for its financiers. Moreover, there is no clarity with regard to the scope of the Mechanism, as in certain places it is virtually granted the powers of a criminal court. This exceeds the provisions of the resolution and foreshadows predetermined and clearly interventionist outcomes.

Venezuela has repeatedly condemned the fact that the primary cause of the war in Syria is foreign intervention, through the provision of funding, technical equipment and logistical support to extremist and terrorist groups from regional and extraregional Powers, whose sole aim is to overthrow a legitimately constituted Government. This unfortunate situation has been reflected in the recent history of several countries, such as Iraq and Libya, among others; the result has been suffering, political instability, the dismantling of States and tens of thousands of deaths. As a reflection of our unwavering commitment, we have a moral duty to call on the international community to join efforts to prevent further such acts, and to condemn double standards and selectivity on the part of some international actors that focus their attention on certain conflicts while ignoring others completely, as in the case of Palestine.

The solution to the armed conflict in Syria must be political; to that end, it is essential to continue promoting mutual trust among all parties to the conflict, and to encourage initiatives for inclusive Syrian-led dialogue. Venezuela reiterates its support for the efforts deployed by Special Envoy Staffan de Mistura, in conjunction with other countries, towards reaching a political agreement as soon as possible.

Venezuela believes that the United Nations has a leading role to play in resolving armed conflicts on a global scale. It is therefore the duty of the Organization to ensure the inclusiveness and true impartiality of all its political and legal efforts to promote peace. Therefore, we deem it necessary to take the appropriate measures in order for the Mechanism to perform in accordance with the Charter and, conversely, not to further escalate a conflict that the Mechanism purportedly seeks to help resolve.

Given the importance of the foregoing, we request that this letter be circulated as a document of the General Assembly under agenda items 31 and 84.

(*Signed*) Rafael **Ramírez**
Ambassador
Permanent Representative of the Bolivarian Republic of Venezuela
to the United Nations